

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

----- X
In re:

Chapter 7

Blue Diamond Air Systems, Inc.,

Case No. 8-22-72698-ast

Debtor.

----- X
Marc. A. Pergament, Chapter 7 Trustee of the
Bankruptcy Estate of Blue Diamond Air
Systems, Inc.,

Plaintiff,

-against-

Adv. Pro. No. 8-24-08071-ast

Douglas Gene Belz a/k/a Douglas Belz,
Stephen DiMeglio and James Edwin Dvorak
a/k/a James Dvorak,

Defendants.

-----X

**AMENDED STIPULATION AND AGREED ORDER EXTENDING THE TRUSTEE'S
TIME TO OBJECT TO DEFENDANTS' MOTION TO DISMISS (ADV. PRO.
ECF DOC. NO. 9), AND ADJOURNING PRESENTMENT DATE, BOTH AS SET
FORTH IN THE AMENDED NOTICE OF HEARING (ADV. PRO. ECF DOC. NO. 11)**

This Amended Stipulation and Agreed Order (the "Stipulation and Order") is entered into by and among defendants Douglas Gene Belz a/k/a Douglas Belz, Stephen DiMeglio, and James Edwin Dvorak a/k/a James Dvorak (collectively, "Defendants"), by their counsel, and plaintiff Marc. A. Pergament, as chapter 7 trustee (the "Trustee," together with Defendants, the "Parties") of the estate of Blue Diamond Air Systems, Inc. (the "Debtor"), by his counsel.

RECITALS

WHEREAS, on July 29, 2024, the Trustee commenced the above-captioned adversary proceeding against Defendants by filing the complaint (ECF Doc. No. 1) (the "Complaint");

WHEREAS, on September 30, 2024, Defendants responded to the Complaint by filing *Defendants' Motion to Dismiss Adversary Complaint* (ECF Doc. No. 9) (the "**Motion**"), seeking to dismiss with prejudice and without leave to replead the Complaint pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, made applicable to this proceeding pursuant to Rules 7012(b) and 7009 of the Federal Rules of Bankruptcy Procedure;

WHEREAS, on October 1, 2024, Defendants filed the *Amended Notice of Presentment of Defendants' Motion to Dismiss Adversary Complaint* (ECF Doc. No. 11), providing a deadline for the Trustee to object to the Motion of October 17, 2024 (the "**Objection Deadline**") and a presentment date for October 24, 2024 (the "**Presentment Date**"); and

WHEREAS, the Trustee, by and through his counsel, approached counsel to Defendants requesting consent to extensions of the Objection Deadline and the Presentment Date.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE UNDERSIGNED PARTIES THAT:

1. The foregoing recitals are incorporated herein by reference.
2. The Objection Deadline is extended through and including **November 19, 2024 at 4:30 p.m. (ET)**.
3. The Presentment Date is extended through and including **November 29, 2024 at 4:30 p.m. (ET)**.
4. Except as expressly set forth in this Stipulation and Order, the Notice of Presentment shall remain the same and in full force and effect.
5. This Stipulation and Order shall be immediately effective and enforceable upon the date this Stipulation and Order is entered by the Court on the docket in the above-captioned adversary proceeding.
6. The Parties are authorized to take all actions necessary to effectuate the relief granted by entry of this Stipulation and Order by the Court.

7. This Stipulation and Order may be executed in counterparts and an electronic copy shall be deemed an original.

Dated: Garden City, New York
November 19, 2024

WEINBERG, GROSS & PERGAMENT LLP

By: 

Marc A. Pergament
400 Garden City Plaza, Suite 309
Garden City, New York 11530
(516) 877-2424

*Attorneys for Plaintiff Marc. A. Pergament,
Chapter 7 Trustee of the Bankruptcy Estate
of Blue Diamond Air Systems, Inc.*

Dated: Uniondale, New York
November 19, 2024

RUSKIN MOSCOW FALTISCHEK, P.C.

By: 

Sheryl P. Giugliano
Nicolas A. Florio
1425 RXR Plaza, East Tower
15th Floor
Uniondale, New York 11556
(516) 663-6600

*Attorneys for Defendants Douglas Gene Belz
a/k/a Douglas Belz, Stephen DiMeglio, and
James Edwin Dvorak a/k/a James Dvorak*

Dated: November 26, 2024
Central Islip, New York



Alan S. Trust
Chief United States Bankruptcy Judge